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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,642	11/19/2003	James R. Oliff	D-3082	6447

7590 06/26/2006

MeadWestvaco Corporation  
Law Department  
4850D North Church Lane  
Smyrna, GA 30080

EXAMINER
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MAI, TRI M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/716,642

Applicant(s)

OLIFF ET AL.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/28/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

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1. Claims 1-3, 5, 6, 8, 9, 10, 12, 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutherland (5297725) in view of either Spang (3259299) or Countee, Jr. (5074462). Sutherland teaches a carton having a plurality of panels, a displaceable portion 38 to be at least partially detached from the carton to define an opening at least partially defined by first weakened line 40, the opening defining an upper edge of the carton end when at least partially detached from the carton end, a panel portion 82 visually exposed to an exterior of the carton through the opening and detachable from the carton. Sutherland meets all claimed limitations except for the second weakened line. Either Spang or Countee teaches that it is known in the art to provide a printed panel connected to an end flap by a weakened line. It would have been obvious to one of ordinary skill in the art to have the printed panel connected to an end flap by a weakened line in Sutherland as taught by either Spang or Countee to provide an alternative means for attaching the coupon to the container.

2. Claims 7, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Sutherland rejection, as set forth in paragraph 1, and further in view of Dutcher et al. (4405078). Dutcher teaches that it is known in the art to provide a carton with a bottom comprises of two panels. It would have been obvious to one of ordinary skill in the art to provide a carton having bottom comprises of two panels as taught by Dutcher to provide the desired construction for the container.

3. Claims 1-3, 5-6, 8-10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Evers (5160024). Sutherland teaches a carton having a plurality of panels, a displaceable portion 116 to be at least partially detached from the carton to define an opening at least partially defined by first weakened line 32, the opening defining an upper edge of the carton end when at

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least partially detached from the carton end, a panel portion 52, 50 visually exposed to an exterior of the carton through the opening by at least partially detachment of the displaceable portion from the carton end and connected to a remainder of the panel portion along second weakened lines 51, 53.

Note that the bottom is portion 20, and portion 52 is connected to the end flap 20.

4. Claim 4, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spang rejection as set forth above in paragraphs 1 and 4, and further in view of Schein (6648217). It would have been obvious to one of ordinary skill in the art to provide a game piece in the printed panel to provide the desired method for promoting the product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai  
Primary Examiner  
Art Unit 3727

